
APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 17, 1993

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
S.B. 246

EDUCATION — **S.B. 183** (Amended), **C.S.S.B. 251**, **C.S.S.B. 163**

STATE AFFAIRS — **C.S.S.B. 27**, **S.B. 76** (Amended), **S.B. 178**

INTERGOVERNMENTAL RELATIONS — **S.B. 249**, **S.B. 243**
(Amended)

FILED WITH SECRETARY OF STATE
(February 17, 1993)

S.J.R. 7

EIGHTEENTH DAY
(Thursday, February 18, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Patterson.

A quorum was announced present.

The Reverend William Disch, Vicar, Holy Trinity Episcopal Church, Austin, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech You so to guide and bless our Senators of the State of Texas assembled this day, that they may deliberate upon and enact such laws as shall please You, to the glory of Your name and the welfare of the people of the State of Texas; through Jesus Christ our Lord. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Sims, Senator Patterson was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 163

On motion of Senator Carriker and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 163.

CO-AUTHOR OF SENATE BILL 373

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-author of S.B. 373.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 379 by Ellis, West, Committee of the Whole Senate on
Luna, Barrientos, Haley, Redistricting, Ethics and Elections
Lucio, Madla, Whitmire, Zaffirini, Truan, Carriker, Rosson, Armbrister,
Moncrief

Relating to abolishing certain district courts, creating additional district courts, and the election of district court judges in certain counties.

S.B. 380 by Ratliff Finance
Relating to the distribution of state funds appropriated for elementary, secondary, and higher education.

S.B. 381 by Haley State Affairs
Relating to revising the process used by the state to acquire goods and services, including surplus property.

S.B. 382 by Harris of Dallas Economic Development
Relating to the organization and operation of nonprofit corporations.

S.B. 383 by Truan Finance
Relating to the existence, composition, and expenses of state agency advisory committees.

S.B. 384 by Turner Finance
Relating to the management and control of state finances and generating additional revenue in connection with the unclaimed money fund.

S.B. 385 by Henderson State Affairs
Relating to the responsibility of the General Services Commission and other state agencies in certain personnel matters.

S.B. 386 by Shelley Jurisprudence
Relating to the liability of persons providing emergency care.

S.B. 387 by Bivins Criminal Justice
Relating to the suspension of the driver's privileges of a person convicted of certain offenses or adjudicated as having engaged in certain conduct.

S.B. 388 by Zaffirini Health and Human Services
Relating to the reporting of certain injuries to the Department of Public Health.

S.B. 389 by Harris of Dallas State Affairs
Relating to the process under which state agencies and other entities are
periodically reviewed under the Texas Sunset Act.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled
resolutions in the presence of the Senate:

S.C.R. 25

S.C.R. 26

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred
to the Committee on Nominations:

Austin, Texas
February 18, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

On February 10, 1993, I submitted the name of the Honorable Eddie
Cavazos for appointment to the Texas Employment Commission to the
unexpired term of Mary Scott Nabers who was appointed to the Railroad
Commission of Texas. This nomination was to the position of employer
representative.

I hereby withdraw Representative Cavazos' nomination for this position
and request that the Senate return this appointment to me.

Respectfully submitted,
/s/Ann W. Richards
Governor of Texas

NOMINATION RETURNED

On motion of Senator Harris of Dallas and by unanimous consent, the
Senate agreed to grant the request to return to the Governor the nomination
of the Honorable Eddie Cavazos for appointment to the Texas Employment
Commission for the position of employer representative.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred
to the Committee on Nominations:

Austin, Texas
February 18, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect
to the following appointments:

TO BE A MEMBER OF THE TEXAS EMPLOYMENT COMMISSION for
a term to expire February 1, 1995:

THE HONORABLE EDDIE CAVAZOS

4313 O'Dell

Corpus Christi, Texas 78415

Representative Cavazos will be filling the unexpired term of James J. Kaster of Austin, who has resigned effective on the date of his confirmation to the position formerly held by Mary Scott Nabers representing employers.

Representative Cavazos will be representing the general public.

TO BE A MEMBER OF THE TEXAS EMPLOYMENT COMMISSION for a term to expire February 1, 1997:

JAMES J. KASTER

4808 Timberline Drive

Austin, Texas 78746

Commissioner Kaster will be filling the unexpired term of Mary Scott Nabers of Austin representing employers.

Respectfully submitted,

/s/Ann W. Richards

Governor of Texas

SENATE RULE 11.11 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might add the appointments of the Honorable Eddie Cavazos and Commissioner James J. Kaster, to be Members of the Texas Employment Commission, to the appointments to be considered today.

(Senator Parker in Chair)

GUEST PRESENTED

Senator Henderson was recognized and introduced Charles D. Davidson, Vice-president of the Eastern District of AARCO Oil and Gas Company.

The Senate welcomed Mr. Davidson.

(President in Chair)

COMMITTEE SUBSTITUTE**SENATE BILL 176 ON SECOND READING**

Senator Parker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 176 be taken up for consideration at this time:

C.S.S.B. 176, Relating to the adoption of the Durable Power of Attorney Act.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Patterson.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 176 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 176** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Patterson.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 201 ON SECOND READING

Senator Parker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 201** be taken up for consideration at this time:

S.B. 201, Relating to contractual agreements between the Texas Higher Education Coordinating Board and Texas Chiropractic College.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Montford.

Absent-excused: Patterson.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 201** by adding the following language after the words "Texas Chiropractic College" on lines 3, 7, 15, and 17, and after the word "College" on line 21: "and Parker College of Chiropractic".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 201 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 201** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Montford.

Absent-excused: Patterson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

REMARKS REDUCED TO WRITING

Senator Armbrister moved to have the remarks by Senator Haley and

those of the President regarding the memorial resolution for Isadore Roosth be reduced to writing in the Senate Journal. (Page 259)

The motion prevailed by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 40

The Presiding Officer laid before the Senate the following resolution:

H.C.R. 40, Recognizing February 17, 1993, as Longview-Tyler Day at the State Capitol.

HALEY
RATLIFF
SHAPIRO

The resolution was read.

On motion of Senator Haley and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
February 18, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 10, Paying tribute to the life of Senator Kilmer B. Corbin, Sr.

S.C.R. 3, Granting the Texas DeMolay Association permission to use the Senate Finance Committee Room in the Capitol Extension and the chamber of the house of representatives in the State Capitol on February 20 and 21, 1993, and February 26 and 27, 1994, for its legislative seminar.

H.C.R. 18, Congratulating Central Texas College on the occasion of its 25th anniversary.

H.C.R. 41, Honoring Gladys Fulton Bailey Sneed on her 100th birthday.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator Sims in Chair)

SENATE BILL 118 ON SECOND READING

Senator Henderson moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 118** be taken up for consideration at this time:

S.B. 118, Relating to the use of in-house counsel by the State Securities Board.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Patterson.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 118 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Patterson.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 181 REREFERRED

On motion of Senator Armbrister and by unanimous consent, S.B. 181 was withdrawn from the Committee on Intergovernmental Relations and was rereferred to the Committee on Criminal Justice.

(President in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 278 ON SECOND READING

Senator Montford moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 278 be taken up for consideration at this time:

C.S.S.B. 278, Relating to an emergency appropriation to the Texas Air Control Board and a transfer of funds to the general revenue fund.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Patterson.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 278 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Patterson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Harris of Dallas and by unanimous consent, the Senate at 11:07 a.m. resolved into a Committee of the Whole Senate with Senator Carriker presiding.

IN LEGISLATIVE SESSION

The Presiding Officer, Senator Harris of Dallas in Chair, called the Senate to order at 11:10 a.m. as In Legislative Session.

REPORT OF COMMITTEE OF THE WHOLE SENATE

Senator Carriker reported that the Committee of the Whole Senate had met, referred bills to the Subcommittee on Elections and Ethics, and appointed members to the following subcommittee:

SPECIAL SUBCOMMITTEE OF THE COMMITTEE OF THE WHOLE SENATE ON REDISTRICTING, ETHICS AND ELECTIONS
Ellis, Chair; Carriker, Luna, Patterson, Shapiro, Sibley, and West.

RECESS

On motion of Senator Truan, the Senate at 11:13 a.m. took recess until 12:00 noon today.

AFTER RECESS

The Senate met at 12:00 noon and was called to order by Senator Harris of Dallas.

GUEST PRESENTED

The Presiding Officer introduced Senator Bill Moore, former Member and Dean of the Texas Senate.

The Senate welcomed Senator Moore.

RECESS

On motion of Senator Truan, the Senate at 12:06 p.m. took recess until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by Senator Harris of Dallas.

HOUSE CONCURRENT RESOLUTION 50

The Presiding Officer laid before the Senate the following resolution:

H.C.R. 50, Inviting the Honorable Tom Phillips, Chief Justice of the Supreme Court of Texas, to address a joint session of the 73rd Legislature Tuesday, February 23, 1993, on the state of the judiciary.

The resolution was read.

On motion of Senator Henderson and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
February 18, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 88, Relating to the validation of governmental acts and proceedings by municipalities. (As substituted and amended)

S.B. 146, Relating to the failure of a person to perform an act that the person has a duty to perform.

H.C.R. 53, Extending an invitation to President Bill Clinton to address a joint session of the Senate and House of Representatives of the State of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the TEXAS EMPLOYMENT COMMISSION: Representative Eddie Cavazos, Nueces County; Commissioner James J. Kaster, Travis County.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

On motion of Senator Barrientos and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported today by the Committee on Nominations.

Senator Barrientos moved confirmation of the nominees reported today by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, reported today by the Committee on Nominations, were confirmed by the following vote: Yeas 27, Nays 0.

Absent: Leedom, Nelson, Shapiro.

Absent-excused: Patterson.

Members, Texas Employment Commission: REPRESENTATIVE EDDIE CAVAZOS, Nueces County; COMMISSIONER JAMES J. KASTER, Travis County.

GUEST PRESENTED

Senator Truan was recognized and introduced Oscar Soliz, District Clerk of Nueces County.

The Senate welcomed Mr. Soliz.

MEMORIAL RESOLUTION

H.C.R. 48 - (West): In memory of Arthur Ashe.

CONGRATULATORY RESOLUTIONS

H.C.R. 18 - (Sims): Congratulating Central Texas College on the occasion of its 25th anniversary.

H.C.R. 25 - (Barrientos): Congratulating Marie Browan Green on the occasion of her 90th birthday.

H.C.R. 35 - (Ellis): Honoring Abibigromma and the Ghana Dance Ensemble on the occasion of their visit to the State Capitol.

S.C.R. 30 - By Ratliff: Recognizing March 2, 1993, as Pittsburg Day.

S.R. 257 - By Wentworth: Recognizing Patrick F. Taylor for his contributions to the children of our country.

S.R. 258 - By Leedom: Recognizing the North Garland High School Varsity Cheerleaders and Junior Varsity Cheerleaders for winning the National Cheerleader Association Championship on December 29, 1992.

ADJOURNMENT

On motion of Senator Truan, the Senate at 2:32 p.m. adjourned, in memory of Isadore Roosth, until 11:00 a.m. Monday, February 22, 1993.

APPENDIX

REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

February 17, 1993

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 63, C.S.S.B. 157

**In Memory
of**

Isadore Roosth

Senator Haley offered the following resolution:

(Senate Resolution 249)

WHEREAS, The Senate of the State of Texas joins with the citizens of Tyler in mourning the death of well-known business and civic leader Isadore Roosth; and

WHEREAS, His death is a profoundly sensed loss for his family, his friends, and the citizens of Texas who benefitted from his lifetime of work for the public good; and

WHEREAS, Mr. Roosth played an active role in many civic, professional, and charitable organizations including The University Cancer Foundation and the Texas Board of Health, freely giving his time and energies to his beloved state; and

WHEREAS, Born on December 18, 1912, Isadore Roosth attended Tyler public schools and Tyler Junior College; he graduated from Texas A&M University in 1933 with a bachelor of science degree in chemical engineering; and

WHEREAS, A partner in Roosth and Genecov Production Company, Mr. Roosth showed diligence and dedication in all his endeavors; he served the company in various capacities before becoming president in 1971 and was a consultant with the firm at the time of his death; and

WHEREAS, An astute entrepreneur, Mr. Roosth served with distinction as president of Business Properties, Incorporated, and Tyler Banking and Development Company; and

WHEREAS, A reserve officer in the Army Corps of Engineers from 1934 to 1942, he served his country with valor during World War II and was a major in the Officer Reserve Corps; and

WHEREAS, A member and past president of Ahavath Achim Synagogue and the Tyler Lodge of B'Nai B'rith, he was on the board of directors of the Dallas Home for Jewish Aged, Golden Acres; and

WHEREAS, The citizens of Tyler and the State of Texas are fortunate in having the benefit of his service and his leadership; and

WHEREAS, Mr. Roosth's wise counsel and good judgment will be greatly missed and remembered with gratitude by all who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, 4th Called Session, hereby extend sincere condolences to the bereaved children of Isadore Roosth: Diane, Sam, Sherry, Susan, and Toni; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the

Texas Senate, and when the Senate adjourns this day, it do so in memory of Isadore Roosth.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Haley and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

Remarks by Senator Haley

Members: Tyler, where Mr. Isadore Roosth made his home, is only an hour and a half from Center, my home. Yet rarely was I ever in Tyler until redistricting put me there. When I first went to Tyler one of the very first names I heard from everyone with whom I visited, that I should visit, with respect not only to my election, but anything that was of importance to Tyler and the East Texas area as well as the state, was Isadore Roosth. I soon found that to be the case. I, naturally, as many of us would, as a country boy, went to Mr. Isadore Roosth's office a little bit weak-kneed, because of the reputation of the man which preceded him upon my arrival. However, what I found there in that office was one of the warmest gentlemen I believe I have ever encountered. A man for whom several words in this resolution, to me, are far more appropos than all of the wealth the man attained throughout his lifetime. That became virtually an insignificant part of his life and his dedication to humanity.

I noticed in the resolution the term "freely giving," and anyone in the Tyler-East Texas area who sees or reads this resolution, I think, will notice the term "freely giving," as well as "wise counsel" and "good judgment," because those were, without exception, his greatest contributions to East Texas and to this state as a whole, and are what made him a friend to all people, particularly if you were a Democrat running in the Tyler area. Another thing I noticed that I think Mr. Roosth would find a great deal of humor in himself was when it said in here that he was a consultant with the firm. Let me assure you that Mr. Roosth was a consultant with all of us on anything of any significance. The most interesting thing about Isadore Roosth that I discovered in visiting with people in that area and in the East Texas area and the state who knew and loved Isadore Roosth was simply the fact that Isadore Roosth was never a consultant for anything. He was a mover. And he never asked, and all of the people who visited with me make it perfectly clear, he never asked anything for himself. He was always going and putting his money, his time, his energy, and his brilliant mind up front—never pushing, always pulling everybody to do what he thought was the very best that could possibly be done, not only for Tyler in Smith County in East Texas, but the state as a whole. I had looked forward, upon meeting this gentleman, to a long

relationship of getting to know this wonderful man. Such was not to be the case.

When I think of a democracy, my favorite description and definition of this democracy was what Harry Emerson Fosdick, the well-known evangelist at the turn of the century in this country, the way he described our democracy: that it was a place where extraordinary things were accomplished by ordinary people. We did not consider Isadore Roosth ordinary; Isadore Roosth considered himself ordinary. He didn't consider himself irreplaceable; we did. He considered himself a citizen of the whole humanity, and so do we. It is with a great deal of regret, yet a good sense of pride, that I present today a resolution to his son, Sam, who is with us today, in front of many people who are here on Tyler-Longview Day—a resolution from the Senate honoring one of the great, outstanding humanitarians of our time, Mr. Isadore Roosth.

Remarks by Lieutenant Governor Bob Bullock

I want to add something, appropriate or not. Issy was a real good friend of mine and one of the most generous men that I've ever known. He gave millions and millions of dollars to the underprivileged. Losing Issy, Sam, Texas lost one hell of a citizen. Thank you for being with us.

GUEST PRESENTED

Senator Haley introduced to the Senate Sam Roosth, the son of Isadore Roosth.

The Senate welcomed Mr. Roosth and expressed its sympathy.

Senator Haley then, at the request of the President, escorted Mr. Roosth to the President's rostrum to receive an enrolled copy of S.R. 249.